

DATE: January 7, 2013

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2012-0080
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Chao-Hua Chen
Location: 6 South Jordan Street
(Parcel Address: 2 S. Jordan Street)
Zone: CL/ Commercial Low

Request

Special Use Permit #2012-0080 is a request to change ownership of an existing restaurant from Eiou Khlan Goh to Chao-Hua Chen. No changes to the operation are proposed.

Background

A restaurant has existed on this site since at least 1993. Staff has administratively approved several changes of ownership over the past 20 years, the most recent being SUP#2008-0026, which was approved by staff in April 2008.

On October 1, 2012, staff visited the subject property and found no violations of the conditions of Special Use Permit #2008-0026. Staff has not received any complaints that would require it to docket the Special Use Permit for public hearing.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Wakefield-Tarleton Civic Association, First Owners Association, and the West End Business Association were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require it to docket the Special Use permit for public hearing.

Staff Action

Staff does not object to the change of ownership and hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 7, 2013
Action: Approved

Barbara Ross, Deputy Director

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2012-0080

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2673)
2. The hours of operation shall be limited to 10:00 A.M. to 9:00 P.M., seven days a week, as requested by the applicant. (PC)(SUP #2673A)
3. **CONDITION DELETED BY STAFF:** ~~At least one trash container shall be located in the parking area for the use of patrons, and the container shall not be permitted to overflow, and the areas around it shall be kept clean. (P&Z) (SUP #2673)~~
4. Condition deleted. (SUP #2000-0086)
5. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2673)
6. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2673)
7. CONDITION DELETED (SUP#2008-0026)
8. **CONDITION AMENDED BY STAFF:** ~~The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of these containers. (P&Z) (T&ES) (SUP2008-0026)~~
9. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z) (T&ES) (SUP #2005-0092)
10. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2673)

11. **CONDITION AMENDED BY STAFF:** ~~No alcoholic beverages may be sold at the restaurant beer or wine shall be sold.~~ (P&Z) ~~(SUP #2673)~~
12. CONDITION DELETED (SUP#2008-0026)
13. Condition Deleted (SUP #2673A)
14. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2000-0086)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2000-0086)
16. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of ~~Health~~ Transportation & Environmental Services. ~~(Health)~~ ~~(SUP#2008-0026)~~ (T&ES)
17. **CONDITION AMENDED BY STAFF:** The new applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees. (Police) ~~(SUP#2008-0026)~~
18. Vehicles bearing the name or logo of the restaurant shall be parked in the least obtrusive location on the parking lot, at the southern end of the site. (P&Z) (SUP #2000-0086)
19. CONDITION DELETED (SUP#2008-0026)
20. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)(SUP #2005-0092)
21. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)(SUP #2005-0092)
22. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)(SUP #2005-0092)
23. Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2008-0026)

24. ~~**CONDITION DELETED BY STAFF:** Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of approval. (T&ES) (SUP#2008-0026)~~
25. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2008-0026)
26. **CONDITION ADDED BY STAFF:** No seats may be provided at the restaurant. (P&Z)
27. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year after approval, and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2012-0080. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 6 S. Jordan Street.

Applicant - Signature

Date

Applicant – Printed

Date